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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

KERRY CLARK,

Plaintiff,

vs.

MICHAEL MAFFEI, in his personal and
official capacities; **RHETT DAVIS**, in his
official capacity; **DENYCE SHORB**;
HARVEY MAFFEI,

Defendants.

Case No.: 16-CV-00033-JR

**DECLARATION OF KERRY
CLARK**

**In support of Plaintiff's Motion for
Partial Summary Judgment**

I, KERRY CLARK, hereby declare:

1. I am the plaintiff in this case.
2. I am a formerly homeless veteran with disabilities. I suffered a back injury while in the coast guard.
3. In April of 2016, I reached an agreement to move into, clean out, fix up and rent the house then at 460 ½ Poplar Street in Powers, Oregon. I made that deal with

one of the owners of that house, William Mellor. Mr. Mellor owns the property along with his sister, defendant Denyce Shorb.

4. The property as a whole, at that time, included two houses: the “main” house at 460 Poplar and the “back” house at 460 ½ Poplar. I rented the back house. In May of 2016 I signed an agreement with William Mellor. It says, “William and Denyce hereby lease/rent property known as 460 ½ Poplar, to Kerry Clark for as long as he lives.” This lease was signed by myself, Mellor, Shorb and witnessed by Angie Armstrong, Mr. Mellor’s girlfriend.
5. I was excited to finally have stable housing again. I thought I wouldn’t have to worry about having a roof over my head for the rest of my life.
6. Between April and June of 2016, I spent dozens of hours and hundreds of dollars cleaning out the house and fixing it up to make it a home. The back house had not been lived in for many years and was in bad shape when I agreed to rent it.
7. On or about July 1, 2016, I tried to pay my July rent of \$200 to Denyce Shorb. I had an envelope with cash in it for her, but she refused to accept payment.
8. On or about July 11, 2016, Powers Police Chief Rhett Davis came to the property and told me I had to leave. He did not knock, nor did he ask for permission to enter.
9. Chief Davis, told me that I had to leave that day or I would be arrested for trespass. I tried to show him my lease agreement and he said something like “I don’t want to see it. It’s no good anyway”.

10. I told him that I needed some time to gather my belongings. Officer Davis told me that I needed to be out in a few hours or I would be arrested.
11. This order to leave and threat of trespass threw my life into turmoil. I began trying to move my personal possessions to the safety of multiple friends' homes. When I returned to the property on and off over the next two months, I was constantly worried that I would be arrested.
12. I often lived in the back house for stretches of time in July, August and September of 2016 despite that risk, because I had no place else to go and I did not want to relinquish my lifetime lease. Chief Davis never retracted his order and threat and on multiple other occasions told me that I had to leave and couldn't stay at 460 ½ Poplar.
13. By mid-July of 2016, Michael Maffei's brother Harvey had moved into the main house at 460 Poplar. Michael Maffei was at that time, and to the best of my knowledge, still is, a Powers city councilman.
14. Councilman Maffei repeatedly directed me to leave my home, as did Harvey, throughout August 2016. Denyce Shorb witnessed the Maffei brothers asking me to leave. Sometimes they used threats of physical force. At one point I was confronted by Michael and Harvey Maffei. Michael Maffei was carrying a crowbar. Harvey said to Michael "Let's just get the Hell's Angels and have them give him a visit" and told me I wasn't moving fast enough. I told them that every time I left more of my belongings were stolen or broken. Michael Maffei responded by slamming the crowbar into a piece of plywood resulting in some of my dishes being broken.

15. On August 23, 2016, Michael and Harvey Maffei posted a document titled "evection [sic] notice" on my front door. This notice, signed by Shorb, states, "I, here by give this evection [sic] notice to Kerry Clark of 460 ½ Poplar St. Powers, OR 97466 to vacate the premises in 72 hours. Date: August 26, 2016, Time 1:00 p.m." As far as I know, no eviction action was ever filed in court based upon this notice.
16. Harvey and Michael Maffei began to tear down my home. I don't know the exact date that they began to destroy my home, but it was sometime on or before August 26, 2016. Angie Armstrong witnessed Shorb and the Maffei brothers tearing down my home. Trisana Vinson witnessed both of the Maffei brothers tearing down my home. I still had personal belongings in the house when he tore it down.
17. I tried to stay in the house after the demolition began. I called Chief Davis and the Coos County Sheriff to report the destruction of my home
18. Police Chief Davis was willing to trespass me without a court order, but would not assist me when my house was being torn down by Councilman Maffei and his brother.
19. At some point in September 2017, my home partially destroyed by Michael and Harvey Maffei, I left Powers for good, became homeless and lived outside for several months.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 1/30/18

By: Kerry Clark
Kerry Clark